bsb

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO. 705 OF 2006**

Kolhapur Municipal Corporation,
Kolhapur & anr. ... Appellants

V/s

Navneet Co-op. Housing Society
Ltd. & ors. ... Respondents

Mr. A.A. Kumbhakoni for the appellants.

**CORAM: SMT. NISHITA MHATRE, J.**

**DATED: 27TH JULY, 2007.**

**P.C.**:

1. The suit has been filed by the respondents/ plaintiffs contending that the notice of demolition given by the appellant Corporation was illegal. The suit has been decreed. The appellants' appeal has been dismissed and hence this second appeal.

2. Both the Courts below have held that the respondents had sought permission to build a compound wall. The Corporation i.e. the appellants did not care to reply to that permission and, therefore, it was deemed that such a permission was granted. There is no dispute that a deemed permission is recognised under the provisions

of the Maharashtra Regional Town Planning Act.

3. Both the Courts below have committed no error apparent on the face of the record. No substantial question of law arises in this appeal.

4. Appeal dismissed.

5. In view of dismissal of the second appeal, Civil Application No. 2330 of 2005 does not survive and is dismissed.

.....